



[Home](#) [Courts](#) [Court Dockets](#) [Legal Research](#) [Calendar](#) [Help](#)

The information on this page is NOT an official record. Do not rely on the correctness or completeness of this information. Verify all information with the official record keeper. The information contained in this report is provided in compliance with the Oklahoma Open Records Act, [51 O.S. 24A.1](#). Use of this information is governed by this act, as well as other applicable state and federal laws.

IN THE DISTRICT COURT IN AND FOR TULSA COUNTY, OKLAHOMA

DAWN SHAW, Plaintiff, v. BAILEY MEDICAL CENTER LLC, Defendant, and AHS HILLCREST HEALTHCARE SYSTEMS LLC, Defendant.	No. CJ-2016-3083 (Civil relief more than \$10,000: DISCRIMINATION) Filed: 08/25/2016 Judge: Fitzgerald, Mary
--	--

Parties

AHS HILLCREST HEALTHCARE SYSTEMS LLC , Defendant
BAILEY MEDICAL CENTER LLC , Defendant
SHAW, DAWN , Plaintiff

Attorneys

Attorney

SMOLEN, DANIEL E(Bar # 19943)
701 S. CINCINNATI
TULSA, OK 74119

Represented Parties

SHAW, DAWN

Events

Event	Party	Docket	Reporter
-------	-------	--------	----------

Issues

For cases filed before 1/1/2000, ancillary issues may not appear except in the docket.

Issue # 1.Issue: DISCRIMINATION
(DISCRIM)

Filed by: SHAW, DAWN

Filed Date: 08/25/2016

Party Name:**Disposition Information:****Defendant:** BAILEY MEDICAL CENTER LLC

Pending.



Defendant: AHS HILLCREST HEALTHCARE
SYSTEMS LLC

Pending.

Docket

Date	Code	Count	Party	Serial #	Entry Date		
08-25-2016	TEXT	1		98696914	Aug 25 2016 4:06:19:280PM	-	\$ 0.00
	CIVIL RELIEF MORE THAN \$10,000 INITIAL FILING.						
08-25-2016	DISCRIM	-		98696916	Aug 25 2016 4:06:19:527PM	Realized	\$ 0.00
	DISCRIMINATION						
08-25-2016	DMFE	-		98696917	Aug 25 2016 4:06:19:560PM	Realized	\$ 7.00
	DISPUTE MEDIATION FEE(\$ 7.00)						
08-25-2016	PFE1	-		98696918	Aug 25 2016 4:29:11:700PM	Realized	\$ 163.00
	PETITION(\$ 163.00)						
	 Document Available (#1034155456)						
08-25-2016	PFE7	-		98696919	Aug 25 2016 4:06:19:560PM	Realized	\$ 6.00
	LAW LIBRARY FEE(\$ 6.00)						
08-25-2016	OCISR	-		98696920	Aug 25 2016 4:06:19:560PM	Realized	\$ 25.00
	OKLAHOMA COURT INFORMATION SYSTEM REVOLVING FUND(\$ 25.00)						
08-25-2016	OCJC	-		98696922	Aug 25 2016 4:06:19:560PM	Realized	\$ 1.55
	OKLAHOMA COUNCIL ON JUDICIAL COMPLAINTS REVOLVING FUND(\$ 1.55)						

Date	Code	Count Party	Serial #	Entry Date		
08-25-2016	OCASA	-	98696923	Aug 25 2016 4:06:19:560PM	Realized	\$ 5.00
OKLAHOMA COURT APPOINTED SPECIAL ADVOCATES(\$ 5.00)						
08-25-2016	SSFCHSCPC	-	98696924	Aug 25 2016 4:06:19:560PM	Realized	\$ 10.00
SHERIFF'S SERVICE FEE FOR COURTHOUSE SECURITY PER BOARD OF COUNTY COMMISSIONER(\$ 10.00)						
08-25-2016	CCADMINCSF	-	98696925	Aug 25 2016 4:06:19:560PM	Realized	\$ 1.00
COURT CLERK ADMINISTRATIVE FEE ON COURTHOUSE SECURITY PER BOARD OF COUNTY COMMISSIONER(\$ 1.00)						
08-25-2016	CCADMIN0155	-	98696926	Aug 25 2016 4:06:19:560PM	Realized	\$ 0.16
COURT CLERK ADMINISTRATIVE FEE ON \$1.55 COLLECTION(\$ 0.16)						
08-25-2016	SJFIS	-	98696927	Aug 25 2016 4:06:19:560PM	Realized	\$ 0.45
STATE JUDICIAL REVOLVING FUND - INTERPRETER AND TRANSLATOR SERVICES(\$ 0.45)						
08-25-2016	DCADMIN155	-	98696928	Aug 25 2016 4:06:19:560PM	Realized	\$ 0.23
DISTRICT COURT ADMINISTRATIVE FEE ON \$1.55 COLLECTIONS(\$ 0.23)						
08-25-2016	DCADMIN05	-	98696929	Aug 25 2016 4:06:19:560PM	Realized	\$ 0.75
DISTRICT COURT ADMINISTRATIVE FEE ON \$5 COLLECTIONS(\$ 0.75)						
08-25-2016	DCADMINCSF	-	98696930	Aug 25 2016 4:06:19:560PM	Realized	\$ 1.50
DISTRICT COURT ADMINISTRATIVE FEE ON COURTHOUSE SECURITY PER BOARD OF COUNTY COMMISSIONER(\$ 1.50)						
08-25-2016	CCADMIN04	-	98696931	Aug 25 2016 4:06:19:560PM	Realized	\$ 0.50
COURT CLERK ADMINISTRATIVE FEE ON COLLECTIONS(\$ 0.50)						
08-25-2016	LTF	-	98696932	Aug 25 2016 4:06:20:523PM	Realized	\$ 10.00
LENGTHY TRIAL FUND(\$ 10.00)						
08-25-2016	SMF	-	98696933	Aug 25 2016 4:06:57:677PM	Realized	\$ 20.00
SUMMONS FEE (CLERKS FEE)-2(\$ 20.00)						

Date	Code	Count	Party	Serial #	Entry Date		
08-25-2016	SMIMA	-		98696934	Aug 25 2016 4:07:02:943PM	Realized	\$ 0.00
SUMMONS ISSUED - MAILED BY ATTORNEY-2							
08-25-2016	TEXT	-		98696915	Aug 25 2016 4:06:19:370PM	-	\$ 0.00
OCIS HAS AUTOMATICALLY ASSIGNED JUDGE FITZGERALD, MARY TO THIS CASE.							
08-25-2016	ACCOUNT	-		98697045	Aug 25 2016 4:07:27:207PM	-	\$ 0.00
RECEIPT # 2016-3401140 ON 08/25/2016. PAYOR: SMOLEN SMOLEN TOTAL AMOUNT PAID: \$ 252.14. LINE ITEMS: CJ-2016-3083: \$183.00 ON AC01 CLERK FEES. CJ-2016-3083: \$6.00 ON AC23 LAW LIBRARY FEE. CJ-2016-3083: \$1.66 ON AC31 COURT CLERK REVOLVING FUND. CJ-2016-3083: \$5.00 ON AC58 OKLAHOMA COURT APPOINTED SPECIAL ADVOCATES. CJ-2016-3083: \$1.55 ON AC59 COUNCIL ON JUDICIAL COMPLAINTS REVOLVING FUND. CJ-2016-3083: \$7.00 ON AC64 DISPUTE MEDIATION FEES. CJ-2016-3083: \$0.45 ON AC65 STATE JUDICIAL REVOLVING FUND, INTERPRETER SVCS. CJ-2016-3083: \$2.48 ON AC67 DISTRICT COURT REVOLVING FUND. CJ-2016-3083: \$25.00 ON AC79 OCIS REVOLVING FUND. CJ-2016-3083: \$10.00 ON AC81 LENGTHY TRIAL FUND. CJ-2016-3083: \$10.00 ON AC88 SHERIFF'S SERVICE FEE FOR COURT HOUSE SECURITY.							
09-12-2016	S	-	BAILEY MEDICAL CENTER LLC	98867666	Sep 13 2016 11:05:32:663AM	-	\$ 0.00
PARTY HAS BEEN SUCCESSFULLY SERVED. FOR BAILEY MEDICAL CTR LLC / BY CERT MAIL / SIGNED G PARRISH/ ON 8-29-16  Document Unavailable (#1034609784)							
09-12-2016	S	-	AHS HILLCREST HEALTHCARE SYSTEMS LLC	98867764	Sep 13 2016 11:07:20:063AM	-	\$ 0.00
PARTY HAS BEEN SUCCESSFULLY SERVED. FOR AHS HILLCREST HEALTHCARE SYSTEM LLC / BY CERT MAIL / SIGNED G PARRISH / 8-29-16  Document Unavailable (#1034609719)							

Report Generated by The Oklahoma Court Information System at September 15, 2016 9:50 AM

End of Transmission.



IN THE DISTRICT COURT OF TULSA COUNTY
STATE OF OKLAHOMA

DISTRICT COURT
FILED

AUG 25 2016

SALLY HOWE SMITH, COURT CLERK
STATE OF OKLA. TULSA COUNTY

DAWN SHAW,
an Individual

Plaintiff,

CASE NO.

vs.

1) BAILEY MEDICAL
CENTER, LLC, a Foreign For
Limited Liability Corporation,
2) AHS HILLCREST
HEALTHCARE SYSTEMS, LLC,
Defendant.

CJ-2016-03083
MARY F. FITZGERALD

ATTORNEY LIEN CLAIMED

PETITION

COMES NOW, the Plaintiff, Dawn Shaw, through her attorneys of record, Daniel E. Smolen and Lauren G. Lambright of *Smolen, Smolen and Roytman, P.L.L.C.*, and brings this action against the Defendant for violations of her constitutionally protected rights arising out of her employment and termination by said Defendant.

PARTIES, JURISDICTION AND VENUE

1. This is an action for damages to redress deprivation of rights secured by the Family and Medical Leave Act of 1993 (29 U.S.C. § 2601, et seq.) (hereinafter "FMLA").
2. Plaintiff is a resident of Oklahoma and resides in Tulsa County, Oklahoma. The Plaintiff was an at-will employee of the Defendant.
3. Defendant Bailey Medical Center, LLC, and its parent company AHS Hillcrest Healthcare Systems, LLC, are foreign limited liability companies doing business in Tulsa County, Oklahoma and employ over one hundred (100) employees.

2016 AUG 25 PM 4:13

Bailey Medical Center, LLC, is a Delaware corporation whose principal place of business is 10512 N. 110th East Avenue, Owasso, OK 74055.

4. The injuries that are the subject of this dispute occurred in Tulsa County, Oklahoma.
5. This Court has jurisdiction and venue is proper in Tulsa County, State of Oklahoma.

FACTS COMMON TO ALL COUNTS

6. Plaintiff, Dawn Shaw, incorporates as if realleged Paragraphs 1-5.
7. Plaintiff began her employment with Bailey Medical Center, LLC as a Registered Nurse on or around March 20, 2008.
8. Plaintiff received positive reviews throughout her employment with the Defendant, meeting or exceeding her goals.
9. In March of 2010, Plaintiff was promoted to Charge Nurse.
10. In November of 2013, Plaintiff was promoted to House Supervisor.
11. Plaintiff's appraisal in March 2014 shows she met or exceeded expectations in all areas and earned the highest merit pay increase available, 2.5%.
12. A new Director of Nursing, Ruby Triplett, took over at Bailey Medical Center in the summer of 2014.
13. On or around September 29, 2014, Plaintiff submitted vacation requests which were not approved by management despite the fact Plaintiff had earned paid time off (PTO) available.
14. Plaintiff was given an oral warning for missing one of the dates for a "skills fair" and also given a Performance Action Plan on or around November 5, 2015. The

- interim progress report on her Performance Action Plan was due in two weeks and the final progress report would take place in a month.
15. Just four days later, on or around November 9, 2014, Plaintiff injured her Achilles tendon. As a result, Plaintiff was granted leave under the FMLA.
 16. Plaintiff was released by her physician to return to work on or around January 21, 2015
 17. Plaintiff was scheduled to return to work January 26, 2013. However, Director of Nursing Ruby Triplett contacted Plaintiff and demanded a meeting with Plaintiff before she returned.
 18. Plaintiff contacted Defendant's Human Resources department on January 22, 2015 and reported her concerns about the hostile work environment Ruby Triplett had created and the impression Plaintiff was being forced out of her position.
 19. On January 23, 2016, before Plaintiff returned to work, Director of Nursing Ruby Triplett met with Plaintiff and delivered a disciplinary action for events alleged to have occurred before her FMLA leave. The Plaintiff denies this disciplinary action was warranted and believes it was simply pretext for retaliation for taking protected leave. Ruby Triplett placed Plaintiff on probation and demoted her from the position as House Supervisor. Plaintiff was informed she would need to find and apply for another job at Bailey Medical Center within thirty (30) days or her salary and benefits would end.
 20. Plaintiff contacted Defendant's Human Resources department again to dispute the accusations in the disciplinary action and inquire about positions rumored to be open but not posted on the Defendant's job site. No constructive help was

provided to Plaintiff and she was discouraged from filing a grievance by Tandy Grove. Plaintiff was also told sometimes hospital staff believes a position is coming open but it has not been approved by the administration.

21. No position for which Plaintiff was qualified was open during the thirty (30) day period following her final disciplinary action. Therefore, Defendant effectively terminated Plaintiff's employment on or about February 23, 2015.
22. Defendant was fully aware that Plaintiff was on approved FMLA leave when she was demoted and terminated just days before her return to work.
23. Plaintiff believes she was retaliated against for requesting and taking protected leave under the FMLA and that the Defendant interfered with her ability to take protected leave under the FMLA and return to work.

FIRST CLAIM FO RELIEF
RETALIATION IN VIOLATION OF THE FMLA

24. Plaintiff, Dawn Shaw, incorporates as if realleged Paragraphs 1-21.
25. By unfairly terminating the Plaintiff's employment in retaliation for her exercising her right to FMLA, the Defendant has violated 29 U.S.C. § 2601 et seq.

WHEREFORE, Plaintiff prays for judgment against the Defendant for:

- a. Back pay and lost benefits; front pay until normal retirement;
- b. Compensatory damages for her mental anguish, pain and suffering and other non-pecuniary losses;
- c. Liquidated damages for the intentional and knowing acts of discrimination committed by Defendants' management and executives;
- d. Her attorney fees and the costs and expenses of this action;
- e. Such other relief as the Court deems just and equitable.

SECOND CLAIM FOR RELIEF
INTERFERENCE WITH PLAINTIFF'S RIGHTS UNDER THE FMLA

26. Plaintiff, Dawn Shaw, incorporates as if realleged Paragraphs 1-25;

27. By terminating Plaintiff's employment when she returned from protected leave under the FMLA and thereby precluding her from being restored to her position of employment or an equivalent position, the Defendant interfered with, restrained, or denied the exercise or attempt to exercise Plaintiff's leave rights under the FMLA and has thus violated the statute. As such the Defendant violated 29 U.S. C. § 2601 et seq.

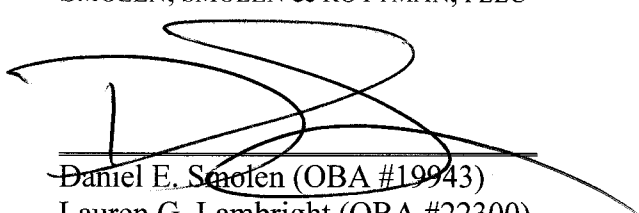
WHEREFORE, Plaintiff prays for judgment against the Defendant for:

- a. Back pay and lost benefits; front pay until normal retirement;
- b. Compensatory damages for her mental anguish, pain and suffering and other non-pecuniary losses;
- c. Liquidated damages for the intentional and knowing acts of discrimination committed by Defendants management and executives;
- d. Her attorney fees and the costs and expenses of this action;
- e. Such other relief as the court deems just and equitable.

WHEREFORE, based on the foregoing Plaintiff prays that this Court grant her the relief sought, including, but not limited to actual damages in excess of Seventy-Five Thousand Dollars (\$75,000), with interest accruing from the time of filing suit, liquidated damages in excess of Seventy-Five Thousand Dollars (\$75,000), the costs of bringing this action, a reasonable attorney's fee, and such other relief as deemed just and equitable.

Respectfully submitted,

SMOLEN, SMOLEN & ROYTMAN, PLLC



~~Daniel E. Smolen~~ (OBA #19943)
Lauren G. Lambright (OBA #22300)
701 South Cincinnati Avenue
Tulsa, OK 74119
(918) 585-2667
(918) 585 2669 (Fax)
Attorneys for Plaintiff